

10-17-00

CPA/ GAV-1210

**CONTINUED PROSECUTION APPLICATION (CPA)**  
**REQUEST TRANSMITTAL (Small Entity)**  
 OCT 16 2000  
 Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

Submit an original, and a duplicate for fee processing.

Docket No.

FOS-104-C1

 **DUPLICATE** (Check box if applicable)

First Named Inventor	Examiner	Group/Art Unit
FOSSEL	MULLIS, J	1711

Address to:  
 Assistant Commissioner for Patents  
 Box CPA  
 Washington, D.C. 20231

This is a request for filing a  continuation or  divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 08/932,227 filed on 17 SEP 1997 and entitled:

TOPICAL DELIVERY OF L-ARGININE TO CAUSE BENEFICIAL EFFECTS

- Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- A preliminary amendment is enclosed.
- This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - DELETE** the following inventor(s) named in the prior nonprovisional application:

10/18/2000 CNGUYEN 00000050 08932227

01 FC:231	355.00 DP
02 FC:202	120.00 DP
03 FC:203	45.00 DP

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- The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- A new power of attorney or authorization of agent is enclosed.
- Small Entity Status:
  - A small entity statement is enclosed.
  - A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.
- The fee for this application is calculated as follows:

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	25	- 20 =	5	x \$9.00	\$45.00
Indep. Claims	6	- 3 =	3	x \$40.00	\$120.00
Multiple Dependent Claims (check if applicable)					\$0.00
				<b>BASIC FEE</b>	\$355.00
				<b>TOTAL FILING FEE</b>	\$520.00

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

7.  The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 12-2147

- fees required under 37 C.F.R. 1.16.
- fees required under 37 C.F.R. 1.17.
- fees required under 37 C.F.R. 1.18.

8.  A check in the amount of \_\_\_\_\_ is enclosed.

9.  An Information Disclosure Statement (IDS) is enclosed:

- a.  PTO-1449
- b.  Copies of IDS Citations

10.  Also enclosed:

AN AMEX CREDIT CARD AUTHORIZATION FOR \$520.00

11.  The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below:

**CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)**  
**(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))**

**NOTES**

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**FILING QUALIFICATIONS:** The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: 16 OCT 2000



Signature

ANTHONY M. LORUSSO

*Typed or printed name*

25,059

*Registration Number (if applicable)*

Inventor(s)  
 Assignee of complete interest  
 Attorney or agent of record

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **FOSSEL**

Docket No.

**FOS-104-C1**Serial No.  
**08/932,227**Filing Date  
**17 SEP 1997**Examiner  
**MULLIS, J**Group Art Unit  
**1711**Invention: **TOPICAL DELIVERY OF L-ARGININE TO CAUSE BENEFICIAL EFFECTS**I hereby certify that this **CPA PRELIMINARY AMENDMENT**  
(Identify type of correspondence)is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on  
**16 OCT 2000**

(Date)

**ANTHONY M. LORUSSO**

(Typed or Printed Name of Person Mailing Correspondence)

(Signature of Person Mailing Correspondence)

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**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**Applicant(s): **FOSSEL**

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I hereby certify that this **AMEX AUTHORIZATION FORM FOR CPA FEES**  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on  
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(Date)

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(Signature of Person Mailing Correspondence)

**EL593723016US**

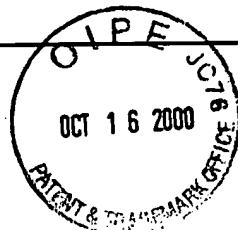
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I hereby certify that this **REQUEST FOR 3-MONTH EXTENSION AND FEE**  
(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
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